

Service Date: April 29, 1994

FINAL ORDER NO. 6298
DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF Jerry Kelly)
dba B & J's Taxi, Anaconda, MT, the)
application for a Montana Intrastate)
Certificate of Public Convenience and))
Necessity.)

Docket No. T-93.174.PCN
Order No. 6298

The Commission, having taken evidence and being fully advised in the premises,
makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On December 16, 1993, Jerry Kelly dba B & J's Taxi, P.O. Box 575, Anaconda, MT 59711 filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class B - Passengers and their baggage and express between all points and places within Anaconda, Montana and a thirty (30) mile radius thereof.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public January 10, 1994. That notice said in pertinent part:

If no written protests are received by January 30, 1994, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Camelot Limousine Service, Missoula, Montana and Ravalli Motor Freight, Corvallis, Montana.

4. On February 25, 1994, Applicant restrictively amended the application

limiting express service to a ten mile radius of Anaconda and a fifty pound weight limit. He also stipulated that he would not transport in limousine service. All protests were subsequently withdrawn.

5. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.
2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.
3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 19th day of April, 1994, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-93.174.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Jerry Kelly dba B & J's Taxi, Anaconda, Montana** for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - Passengers and their baggage and express between all points and places within Anaconda, Montana and a thirty (30) mile radius thereof.

LIMITATIONS: (1) Express transportation is limited to a 10

mile radius of Anaconda, Montana, with weight per article not to exceed 50 pounds. (2) Transportation of passengers in limousine service is prohibited.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 19th day of April, 1994, by a vote of 4 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

BOB ANDERSON, Chairman

BOB ROWE, Vice Chairman

DAVE FISHER, Commissioner

NANCY McCaffree, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.